

Legal challenges grow for county sheriff Baca

By Greg Risling
The Associated Press

Jail commanders condoning the beating of inmates. Evidence withheld from inmates accused of attacking guards. A photo of a woman wearing an official-looking badge while brandishing handguns at a nightclub.

Allegations and litigation continue to dog Los Angeles County Sheriff Lee Baca, who has acknowledged being out of touch about problems in his jails and failing to reform his massive department that oversees the largest county jail system in the nation.

Bad news in the past week has come from his own brass, his chief critics and a photo that surfaced in an unrelated federal investigation — all serving to sully the reputation of the popular four-term sheriff, who enjoys the limelight and is flown around the world at the invitation of others to talk about policing tactics.

"We could call for his resignation daily, but it's not going to do any good," said Peter Eliasberg, the ACLU Southern California legal director, who called for Baca to step down late last year. "If he stays on, he's got to fix these problems. There are some glimmers of hope, but it's far from what we'd like to see."

The American Civil Liberties Union, a constant critic of the sheriff and a court-appointed monitor of jail conditions, sued Tuesday alleging that inmates charged with assaulting deputies have been unable to get evidence that could help exonerate them.

At the core of the problems facing the department is how its deputies treat some of the

estimated 15,000 inmates in county jails. The ACLU has filed another lawsuit accusing Baca and some other department officials of condoning violence against inmates.

Last year the civil rights group released a report that documented more than 70 cases of alleged abuse and other misconduct by deputies, many of which occurred at Men's Central Jail. The FBI has launched its own investigation and asked for internal department records dealing with inmate abuse.

On July 6, Capt. Michael Bornman testified before a county commission looking into deputy abuse in the jails that the former head of the jail, Capt. Daniel Cruz, resisted efforts to investigate employees who were accused of excessive force. Bornman described a culture of brutality where Cruz allegedly joked about not hitting inmates in their face so marks wouldn't be visible. Cruz has denied the accusations.

However, Bornman said his boss has been addressing and correcting the problems in the jails.

Baca, 70, who has said he's to blame for deputy misconduct against inmates and wasn't available for comment Friday, pointed out in a letter to the Los Angeles Times that some of the media coverage has been unfair.

"Criticism is necessary; so are all the facts," Baca wrote to the paper's editor on Friday regarding Bornman's testimony. "I simply ask you to present both."

Baca has considered closing Men's Central Jail, one of the county's oldest and largest

jails where some of the abuse has been reported. He also has created a database to track inmate complaints.

Baca has defended his leadership and whether he's been able to address problems within such a large organization. Critics have said his approach has allowed deputies to create ganglike groups that intimidate and beat up inmates.

"He is not thinking of stepping down, he's stepping up," said sheriff's spokesman Steve Whitmore. "This sheriff is not afraid of criticism. He uses it as a way to make his department better. And this department is the best it's ever been."

Jonathan Goodwin said he was attacked by several deputies in December 2010 after he was placed in jail for a parole violation. He had a bloody nose, cuts over his eye and bruises on his body, according to the lawsuit filed Tuesday.

Goodwin's attorney filed a motion to determine if there had been previous complaints against the deputies but was informed there weren't any. The lawyer ended up contacting ACLU and found that another inmate had made similar allegations against one of the deputies.

Goodwin, who was facing up to 17 years in prison, was acquitted of assault charges in May.

Baca has had a difficult challenge with realignment where nonviolent offenders are sent to county lockup instead of state prison. More than 5,000 inmates have been placed in Los Angeles County jails since last fall and bed space will likely run out by the end of the year.

COUNTY ACTS TO HANDLE INMATE INFLUX

LA
Tues 7-10-12 Times

The transfers from state prisons forces officials to seek other facilities or weigh electronic monitoring.

BY ANDREW BLANKSTEIN
AND JASON SONG

The population of Los Angeles County's jails has swelled significantly in the last few months due to an influx of prisoners, forcing officials to look as far as the Central Valley for places to house them.

Since last fall, the state has shifted more than 5,000 inmates who would previously have been housed in state prisons to Los Angeles' jails under a program known as "realignment." The county's jail system, the nation's largest, now holds about 18,600 inmates, and officials are concerned about overcrowding unless they can find alternative locations for the prisoners.

The Sheriff's Department is in discussions with two Kern County cities to use their currently empty jails to house up to 1,000 low-level offenders and is considering talks with two other cities.

At the same time, some officials have floated the idea of the county taking over fire camps across California that are operated by the state and placing additional inmates in them. It's unclear, however, if the county has enough funding to do so.

Those moves are likely to be the first in a series of efforts to deal with the increased jail population brought on by realignment, the controversial state law that is designed to address a U.S. Supreme Court order to improve conditions in California's prisons. The shift has increased the jail populations in counties across the state, with some counties resorting to early release to avoid overcrowding.

In an interview Monday, Assistant Sheriff Cecil W. Rhambo Jr. said the department is considering several other strategies for dealing with the rising inmate population, including releasing more women with electronic monitoring systems. The Sheriff's Department has also been discussing with court officials, prosecutors and defense attorneys the idea of speeding up the resolution of some lower-level criminal cases.

Most inmates in the jails are awaiting trial.

Rhambo said the department is considering using electronic monitoring rather than jail detention for some defendants accused of drug crimes and prostitution.

Sheriff's officials project that the jail system will run out of space by Christmas. Rhambo said he was hopeful that the deals with Kern

[See Inmates, A9]

JAILER DENIES ROLE IN INMATE ABUSE

Tues
7-10-12
LA Times

Sheriff's captain placed on leave says his critics want 'to be in the limelight.'

BY ROBERT FATURECHI

A Los Angeles County Sheriff's Department captain accused of protecting brutal and dishonest jail deputies has spoken out publicly for the first time, saying the allegations are untrue.

"I'm just shaking my head at some of these statements," said Daniel Cruz, who was placed on leave last year as allegations of abuse inside Men's Central Jail mounted. "I'm just sitting here waiting for my turn."

During Cruz's tenure, sheriff's brass expressed concern in internal audits about inexperienced jailers and excessive force against inmates. Most notably, officials said an aggressive gang-like clique of deputies existed on the jail's third floor. Some members of the clique brawled with fellow deputies at a department Christmas party in 2010.

Last week, the allegations against Cruz grew with one of his former lieutenants, Michael Bornman, testifying before a county jails commission that Cruz resisted rooting out jailer misconduct and allowed force investigations to languish. Bornman, now a captain, recounted one instance in which he said Cruz joked at a department party about hitting inmates.

Speaking to The Times, Cruz said "a lot of that stuff can be easily proven to be untrue." Cruz declined to discuss the specific allega-

[See Jail, A4A]

County seeks places to move inmates

Tues 7-10-12 LA Times
[Inmates, from A1]

County cities would be finalized by the fall.

When asked by The Times last year about the prospect of sending inmates to a facility outside the county, sheriff's officials strongly downplayed the idea, saying that it would only occur under extreme circumstances.

The towns of Shafter and Taft both have city-owned jails that could house about 1,000 prisoners in all.

John Guinn, Shafter's city manager, said his city's jail is available because it was closed down several months ago as a result of bud-

get cuts.

Sheriff's officials said they are also talking to two other Central Valley communities, Coalinga and Delano, about moving an additional 1,000 inmates to facilities there.

It would cost an estimated \$61 a day to house an inmate in Kern County, compared to \$113 in L.A. County.

"It's pretty important to look for cost-effective bed space," Rhambo said. "People are very concerned about realignment. We want to be able to assure public safety and hold the realigned population to the time they

were committed to."

Sheriff's Department spokesman Steve Whitmore emphasized that no changes have yet been made to the county's early release policy. That policy calls for nonviolent offenders to serve 20% of their jail terms, although Whitmore noted that documented gang members will serve their full sentences. Other violent offenders sentenced to jail serve 75% of their terms, Rhambo said.

Los Angeles has benefited from having a sprawling jails system with the capacity to add more inmates. Before realignment began,

Los Angeles County jails showed the largest drop in inmate population of any jail system in the nation, according to a U.S. Justice Department report.

That study found that Los Angeles County's inmate population dropped by more than 3,000 during a yearlong period ending in June 2010.

Los Angeles County will also get some relief when officials reopen parts of the North County Correctional Facility this fall.

andrew.blankstein@latimes.com
jason.song@latimes.com

Tues 7-10-12 LA Times Jailhouse captain speaks publicly on allegations

[Jail, from AA1]

tions against him, citing the ongoing investigation of his tenure, but he accused his critics of wanting "to be in the limelight."

Cruz said he has not been interviewed by department investigators, even though he's been on leave since November. He said he might like to speak to the commission created by the county Board of Supervisors to examine allegations of abuse.

"I accept responsibility for anything I've done wrong," Cruz said. "I should get commended for the things I have done right."

Bornman testified that in several instances, Cruz allowed misconduct to go unchecked. In one case, Bornman described a roomful of supervisors watching footage of deputies beating an inmate. The video showed

one jailer casually leaning against a door frame, occasionally landing knee drops into the prisoner's torso. Despite excessive force by the deputies, Bornman said, Cruz turned to the other jail supervisors and said: "I see nothing wrong with that use of force."

In another instance, Bornman said, deputies got into a brawl with patrons at BJ's Restaurant and Brewhouse in West Covina. In the ensuing investigation, it became obvious that some deputies weren't being honest about which of their colleagues were involved. When Bornman took that concern to Cruz, he said, Cruz told him, "Don't look too hard."

Internal memos found that Cruz's jailers crafted narratives "dramatized to justify" force. Authorities concluded that some con-

frontations with inmates were triggered by deputies who thought inmates had acted disrespectfully to them — showing "contempt of cop." Other documents showed that the department had some of its least experienced deputies guarding its most dangerous inmates on the third floor of the Men's Central Jail, a practice that the memo linked to more frequent clashes on the floor than in any other part of the jail.

Cruz said he's looking forward to telling his side of the story and getting back to work.

"I'm a guy who's been working since he's 14," he said. "I'm a guy who likes to work."

robert.faturechi@latimes.com

OPIN

EDITORIALS

Punishing parents, unfairly

THE LAW SOUNDS LOGICAL, at least at first: If a parent caused a child's death through abuse or neglect, then the other children in that parent's care can be made court dependents, and child welfare workers can remove them from their home. Imagine a house in which a child was beaten to death, or died of starvation. It stands to reason that other children living there are at risk. The home is dangerous, and if government ever is justified in taking children from their parents, that's when it should be done.

In application that same law can become outrageous and cruel, but still valid in the eyes of child welfare workers and the courts, as was demonstrated in a ruling Thursday by the California Supreme Court. In the case of a Los Angeles County father identified only as William C., the parental "neglect" consisted of driving his injured 18-month-old child to the hospital while a relative held her in her lap, because the certified child safety seat was in another car that someone else was using. On that day in June 2009, William had to decide — delay Valerie C.'s examination and treatment until the other car was available, or get to the hospital right away. He chose to go. On the way, another driver ran a red light and slammed into them, causing a multi-car accident. Valerie died.

That was enough, the court ruled, for officials to take away the father's other two children under the California law dealing with child death and its consequences.

The actions of the social workers compounded a tragic accident with new, needless traumas for William, and the court's decision opens the way for government officials to meddle, inappropriately, with the existing rights of generally responsible mothers and fathers. Yes, parents should use the proper car seats for their children. But the circumstances were exigent, were they not? And had there been no accident, or if there had been but Valerie wasn't killed in it, authorities would have been unable to take the surviving children under the statute in question. Nor would there have been any need to, absent any evidence that the other children were being subjected to similar neglect.

The justices rejected William's arguments that the law could be used in absurd ways — for example, to take away the children of a responsible mother who, years earlier as a teen driver, negligently hit and killed a child. Lawmakers didn't have such odd circumstances in mind when they adopted the statute, the court said. But it's difficult to believe that they had William's and Valerie's situation in mind either.

If William had made a different choice three years ago, it is not unreasonable to speculate that Valerie's condition could have deteriorated — and that William could have been charged with neglect. When the law confronts a parent with the possibility of losing his children regardless of the choice he makes, perhaps the problem is not with the parent but with the law.

2-12-12 LA Times
Sheriff Baca's badges

FOOL ME ONCE, shame on you. Fool me twice, shame on me," they used to say on the late Andy Griffith's eponymous 1960s TV show. Los Angeles County Sheriff Lee Baca, whose folksy straight-man earnestness reminds us a bit of Griffith's Sheriff Andy Taylor, has actually been fooled three times when it comes to the issuance of official-looking badges or ID cards to non-department personnel.

So here's a review: In 1999, Baca set up a special reserve program intended to allow celebrities and other notables to receive a badge and a gun in the name of boosting community relations. It flopped after one of its participants, Zacky Farms scion Scott Zacky, was discovered to have a past criminal charge of brandishing a weapon. Baca suspended the program, but the idea, unfortunately, didn't go away.

Next, a scandal erupted in 2006 over Baca's "HomeLand Security Support Unit," a group of campaign donors and volunteers who were issued department photo IDs and official name tags. These too were revoked shortly after the Board of Supervisors ordered an investigation. It didn't end there; when problems with official-looking badges arose in other jurisdictions, then-Atty. Gen.

Jerry Brown issued a ruling that handing out such emblems could violate state law by helping civilians pose as peace officers.

Fast forward to the present. After three officials with the city of Cudahy were arrested by the FBI on bribery charges, the bureau released a photo showing a young woman in a bar packing a couple of pistols while wearing what looked suspiciously like a sheriff's badge. Apparently it's a longstanding practice for the Sheriff's Department to issue badges to council members and city managers in cities that contract for services with the sheriff, and she obtained it from a Cudahy councilman. The Sheriff's Department has recently decided to recall about 200 such badges, in timing that has raised questions. Sheriff's spokesman Steve Whitmore says the recall decision was made in January in response to Brown's order but, because of bureaucracy, hadn't yet been implemented. Yet an anonymous command-level official told The Times that the decision was made more recently in response to events in Cudahy.

Either way, why weren't the badges recalled in 2007, when the attorney general ordered it? "That's a good question," Whitmore said.

Yes, we think so too.

BACA'S TOP AIDE EXPLAINS VIEWS

WE07-18-12
LA Times

Paul Tanaka says 'gray area' comments were not meant to condone deputy misconduct.

BY ROBERT FATURECHI

Los Angeles County Sheriff Lee Baca's top assistant, who has been accused of encouraging deputies to be aggressive and work in the "gray area" of policing, sent a department-wide email Tuesday explaining that he was not condoning misconduct.

"I'm writing this message to ensure that there is no misunderstanding — that when it comes to right or wrong, there is NO gray area," Undersheriff Paul Tanaka wrote. "We have seen deputies fired or prosecuted for operating in their own self-defined gray area, for believing it was ok to do so, for losing their way, for believing the end justified the means, and for compromising their responsibility to do what's right."

When he's used the term "gray area" in the past, Tanaka said he was referring to deputies using their discretion when enforcing the law.

"You make a traffic stop because a driver was speeding — do you issue a citation or do you provide a verbal warning? You respond to a call of an intoxicated person — do you book him for being drunk in public, or do you take steps to ensure a responsible adult can take the individual safely home?" Tanaka wrote. "The discretionary authority given to us as law enforcement officers brings with it tremendous responsibility. It requires us to be knowledgeable of all applicable laws, rules, policies and protocols and to enforce them in a manner that is fair, impartial and compassionate."

LETTERS



REED SAXON Associated Press

MANY OF THE problems at Los Angeles County jails have been addressed, says Sheriff Lee Baca.

Baca's defense

Re "Dysfunction at the jails," Editorial, July 11

The Times fails to acknowledge the summation presented by your chief witness at the county's new jails commission, Sheriff's Capt. Michael Bornman.

Bornman was asked what needed to be done to improve the jails. He said repeatedly that the department had already fixed problem after problem. His list of improvements at the jails was so long he had to write them down. As he went through his list, he said (and this is a quote often repeated in his summation), "I know that's been taken care of."

That's right — the chief witness in your editorial says that problems in the jails have "already been taken care of." You neglected to mention that.

Criticism is necessary; so are all the facts. I simply ask you to present both.

LEE BACA
Los Angeles

The writer is sheriff of Los Angeles County.

Re "Former jail official tells of brutality," July 7

Why is it that so many people in the public spotlight can come up with the best excuses when caught doing something wrong?

Parents whose children are caught doing wrong reply, "My child wouldn't do that." Our politicians are caught, and their lawyers claim innocence. Law enforcement officers are taped beating a suspect or a prisoner, and the excuse is that the offender was unruly or disrespectful.

Then the question becomes why so many people are angry at the system. Could it be because of the cruelty or treatment they receive behind bars?

CHARLES P. MARTIN
Los Angeles

of domestic violence, among other problems.

Still, the parents were granted monitored visits and family reunification services with the goal of resuming full parental control.

The silver lining of the child's death will hopefully be that it saves her young brothers from further neglect.

LAWRENCE DANIEL
Manhattan Beach

Dependency court insight

Re "Punishing parents, unfairly," Editorial, July 10

Thank you for speaking out against the unjust decision by the California Supreme Court in the case of William C., a father who had his children taken from him after his 18-month-old child, whom he was driving to the hospital, was killed in a car accident. The child was sitting on a relative's lap because a car seat was not readily available.

The Times supported the opening of L.A.'s dependency courts to the public. I strongly disagreed with the presiding judge's decision to take this radical step. Your decision to bring this case to light, however, is the kind of exposure that is sorely needed in Los Angeles' very troubled dependency system.

I urge you to continue to bring the dependency court to the public through such in-depth articles, and by creating a forum for those with knowledge of the system to discuss its strengths and weaknesses.

ANNE E. FRAGASSO
Encinitas

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Your editorial is misleading. A juvenile court cannot remove a child from the parents' custody unless it also makes a determination "by clear and convincing evidence that such action is necessary to protect the child from serious harm."

In this case, a child's death was just one of several circumstances that had caused the juvenile court to order removal. As the Supreme Court's opinion reveals, the two other children were dirty and unsupervised while living in an unsanitary household with up to 20 people. One boy showed signs of delayed development and had several rotten teeth. The parents had a history

Undersheriff expands on 'gray area'

WED 7-18-12 L A Times

[Tanaka, from AA1]

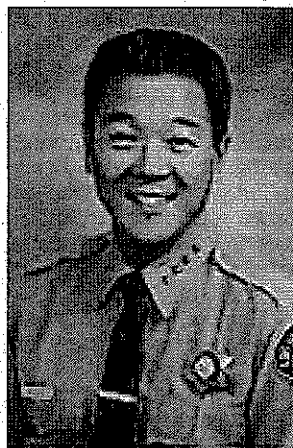
In recent months, Tanaka said, he's discovered that "the term 'gray area' can be easily misinterpreted by those that choose to do so." He referred to incidents in which deputies have been accused of smuggling contraband into the jails, lying on police reports and associating with "notorious criminals off-duty."

"It disheartens me to see careers and family lives ruined, our Department's reputation tarnished, and our badge dishonored," he said.

Tanaka's own reputation came under attack during recent testimony before a county commission created

to investigate allegations of jail abuse. Current and retired sheriff's officials have blamed Tanaka for some of the department's woes, saying he openly fostered a climate in which deputies engaged in aggressive policing that violated the law and department policies.

Their testimony seems to contradict Tanaka's characterization of his past statements. Norwalk Capt. Patrick Maxwell, for example, said he witnessed Tanaka showing disdain for internal affairs investigators, who are responsible for probing possible misconduct. According to Maxwell, Tanaka said at a meeting: "Do you believe LAPD? They have 200 and



L.A. County Sheriff's Department

PAUL TANAKA is expected to address criticism of his management style later this month.

some [internal affairs] investigators and we have 45. In my opinion, that's 44 too many."

Tanaka declined to elaborate on his email with The Times, according to a department spokesman.

"Everything he's commenting on is in this memo," spokesman Steve Whitmore said. "He lays out exactly what he means and believes and knows to be right."

Baca and Tanaka are expected to address the criticisms of their management styles at the next jail commission meeting, scheduled for later this month.

robert.faturechi
@latimes.com